

**ZONING COMMISSION
PUBLIC HEARINGS
September 17, 2014**

William Stopper opened the Public Hearing with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
Richard Cool
April Slauson, Secretary
Kathy Donovan
Matthew DeBarber, Alternate
Neil Mascola, Alternate
Wendy Fowler, Alternate

OTHERS:

Wayne Zirolli, Borough Engineer
Sue Goggin, AZEO

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6:15 P.M. CONTINUED PUBLIC HEARING- for proposed 4500 sq. ft. retail building to house a convenience store, donut shop with drive-thru and gas station, 42-46 Prospect Street; Applicant: Remzi & Vesel Nasufi.

Attorney Michael McVerry, 35 Porter Avenue Naugatuck, stated they have been before the Commission the past couple of months for this application as well as another application for more than 350 cubic yards of material. Mr. McVerry noted that at the last meeting there were questions regarding the make up or material for the wall, and that his client did deliver photographs of the proposed wall that will be installed. He noted that Ms. Goggin provided him with a letter that was received from Mr. Tampellini alleging traffic issues. Mr. McVerry wanted to note that at the last meeting they had Kermit Hua, a traffic engineer who provided a study for the area which stated no adverse impact on the site. He also stated he received the memorandum from Fitzgerald and Halliday concerning the issue of the landscaping in the buffer zone. He said they received variances from ZBA for the buffer, parking within the buffer as well as setbacks from the residential areas. The other issue raised was the planting within the buffer, and Attorney McVerry stated there is no buffer so there will be no plantings. There will be some plantings in the minimum buffer they do have. Mr. McVerry said the hours of operation for the business will be 5am to 11pm. He noted that Mr. Zirolli submitted a report to the commission which states all of his concerns have been met. They have adjusted the perimeter of the building to allow better egress onto Golden Court. Bill Stopper asked what would happen if the strip of land they are requesting from the State isn't acquired. Attorney McVerry said they will have enough room with what they have. He noted that currently what's up there is being utilized at this time. Steve Pustola, PE explained to the Commission why they want to acquire the strip of land from the State and noted where the property line is. He stated the plans are contingent on the agreement with the State; they will still need DOT approval. He reviewed the finishes of the building with the Commission. He stated the retaining wall will be a versa-lok wall and will be from 22' to 5' in height. He noted the trees being planted will be evergreen. Attorney McVerry stated there is a deed requirement to have a fence and a guardrail. Sally mentioned the report asked what the material for the canopy would be. Mr. Pustola said it would be vinyl cedar shingles. Wayne Zirolli noted they had made two major changes that they had asked for. He reviewed his report and stated he was satisfied.

Public Comment:

Bill Stopper read the letter from Joseph Tampellini, 102 Curtiss Street, into the record in which he felt this development was a bad idea and had concerns on the effect on the traffic.

Attorney McVerry noted that a traffic study was received last month which stated there would be no adverse effect on traffic.

Bill Stopper closed the Public Hearing.

6:30 P.M. CONTINUED PUBLIC HEARING- for earth excavation of more than 350 cubic yards of material, 42-46 Prospect Street; Applicant: Remzi & Vesel Nasufi.

Attorney Michael McVerry, 35 Porter Avenue, stated they are anticipating the removal of 5600 cubic yards of fill. He said the hours of operation will be between 8:00 am and 4:00 pm Monday through Friday with 8 trucks a day exiting from Golden Court to North Main Street to Route 8. He noted it's the same application they just discussed. Mr. McVerry said some of the fill might be used on the site for grading purposes, but the bulk of the material will be removed.

There was no Public Comment.

Bill Stopper closed the Public Hearing.

6:45 PUBLIC HEARING – for special permit for proposed building addition to existing Metro Mart, 1419 New Haven Road; Applicant: MNA Holding, LLC

Steve Pustola, PE stated he addressed everything in Wayne Zirolli's report. He said they created a conservation easement in the rear of the property which will be maintained in a natural state. He said they did a detailed storm evaluation report for detention. Mr. Pustola said they also added the sidewalk on the plan as per the Zoning Regulations for the New Haven Road Design District. There was a discussion regarding the landscaping. The Commission reviewed the plans again. Mr. Pustola said the application will be in front of WPCA tomorrow night. Sue Goggin noted they receive approval from the Police Commission. There was a discussion regarding the signage. Mr. Stopper suggested continuing the Public Hearing until next Wednesday so that the applicant could come back with WPCA approval and a letter from the Water Company.

There was no Public Comment.

The Public Hearing was continued to Wednesday September 24, 2014 at 6:00 PM.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
SEPTEMBER 17, 2014**

William Stopper opened the meeting with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
Richard Cool
Kathy Donovan
April Slauson, Secretary
Matthew DeBarber, Alternate
Neil Mascola, Alternate
Wendy Fowler, Alternate

OTHERS:

Wayne Zirolli, Borough Engineer
Sue Goggin, AZEO
Public - 1

1. At 6:07 P.M., Bill Stopper opened the meeting with the Pledge of Allegiance and then took attendance and noted there was a quorum.
2. Executive session with the Borough Attorney and the Zoning Commission.
There was no executive session.
3. Approval of the August 14, 2014 Special Meeting Minutes and the August 20, 2014 Regular Meeting Minutes. The secretary will sign previously approved minutes.

VOTED: Unanimously on a motion by April Slauson and seconded by Sally Brouillet to **APPROVE** the August 14, 2014 Special Meeting Minutes and August 20, 2014 Regular Meeting Minutes with changes.

4. **OLD BUSINESS:**

- A. Commission discussion/decision regarding Special Permit for proposed 4500 sq. ft. retail building to house convenience store, a donut shop with drive-thru and gas station at 42-46 Prospect Street; Applicant Remzi and Vesel Nasufi.
There was no further discussion.

VOTED: Unanimously on a motion by Sally Brouillet and seconded by Kathleen Donovan to **APPROVE** the special permit application for 42-46 Prospect Street for retail building to house convenience store, a donut shop with drive-thru and gas station, Applicants: Remzi and Vesel Nasufi, with the following conditions:

1. The back wall will be made of versa-lok materials and range in height from 5'-22',
2. The fence on top of the wall will be black chain link,
3. The trees will be approximately 6' high,
4. The canopy will be 14' and will contain the usual lighting

- B. Commission discussion/decision regarding a Special Permit for the earth excavation of more than 350 cubic yards of material from the rear bank on 42-46 Prospect Street; Applicant: Remzi and Vesel Nasufi.
There was no further discussion.

VOTED: Unanimously on a motion by April Slauson and seconded by Kathleen Donovan to **APPROVE** the special permit for earth excavation of more than 350 cubic yards of material from the rear bank on 42-46 Prospect Street, Applicants: Remzi & Vesel Nasufi.

- C. Commission discussion with Borough Attorney regarding approved activities for Capital Quarry.
There was no new information.
- D. Commission discussion/decision regarding special permit for proposed building addition to existing Metro Mart, 1419 New Haven Road; Applicant: MNA Property Holding, LLC
Public Hearing was continued.

5. NEW BUSINESS

- A. Commission discussion/decision for modification to a site plan for removal of existing underground oil tank and installation of above ground tank at 119 Horton Hill Road; Applicant: CT Water Co.

Bill Stopper noted they received a report from the Fire Marshal. Sue Goggin stated they received a modified site plan. She noted that she and Wayne Zirolli visited the site. Mrs. Goggin reviewed the site with the Commission. She stated they switched to natural gas for heating and would like to remove the underground tanks for environmental reasons and install the newer tank. Sue asked if the Commission would consider minor modifications of site plans to be approved by her and Wayne Zirolli instead of bringing them before the Commission. Sally stated she didn't have a problem with that, and just thought maybe Bill should review them. Mr. Zirolli suggested sending an email notifying the Commission of these situations and letting them know it's been received and whether it could be an administrative approval or if they would like to review the plans. Kathleen Donovan said she would like to see them and have modifications brought before the Commission.

VOTED: Unanimously on a motion by April Slauson and seconded by Kathleen Donovan to **APPROVE** the modification to the site plan for the removal of an underground oil tank and installation of an above ground tank at 119 Horton Hill Road; Applicant: CT Water Co.

- B. Accept application, refer to planning commission, set public hearing for a special permit application for the excavation of 1900 +/- cubic yards of material at 527 North Main Street; Applicant: Cumberland Farms, Inc.

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by Neil Mascola to accept application, refer to planning commission, set public hearing for October 15, 2014 at 7:00 P.M. for a special permit application for the excavation of 1900 +/- cubic yards of material at 527 North Main Street; Applicant: Cumberland Farms, Inc.

- C. Additional items require a 2/3 vote of the Commission.

There were no additional items.

6. Chairman Report

There was none.

7. ZEO Report

Sue Goggin stated she received a phone call from the city planner in Waterbury, Jim Sequin. He stated they have received a second application from Mr. Warren requesting the removal of approximately 80,000 cubic yards of material. Mrs. Goggin was told by Jim that they are taking the material to Shelton, but have Naugatuck on their application. Sue sent him an email stating they would be in violation if they brought it to Naugatuck. There was Commission discussion over what was actually allowed based on grandfathered approvals and use for that site. The Commission is asking to have a legal opinion and that the Borough Attorney should research it. They also suggested the email be retracted. Mrs. Goggin said she spoke with Jim Stewart who informed her it was not an allowed use.

8. Public Comment

There was none.

9. Adjournment

VOTED: Unanimously on a motion by April Slauson and seconded by Kathleen Donovan to **ADJOURN** the meeting at 7:45 PM.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/rp